

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on April 7, 2005 at 8:00 A.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Gary Branae, Vice Chairman (D)
Rep. Bob Lake, Vice Chairman (R)
Rep. John Balyeat (R)
Rep. Norma Bixby (D)
Rep. Edward B. Butcher (R)
Rep. Jill Cohenour (D)
Rep. Tom Facey (D)
Rep. Wanda Grinde (D)
Rep. Dennis Himmelberger (R)
Rep. Carol Lambert (R)
Rep. Dave McAlpin (D)
Rep. Jim Peterson (R)
Rep. Holly Raser (D)
Rep. John (Jack) W. Ross (R)
Rep. Scott Sales (R)
Rep. Bill Warden (R)
Rep. Brady Wiseman (D)

Members Excused: None.

Members Absent: Rep. Margaret H. Campbell (D)
Rep. George G. Groesbeck (D)

Staff Present: Jeff Martin, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

Executive Action: SB 68; SB 229; SB 276; SB 151
SB 184; SB 85; SB 87; SB 222
SB 261; SB 292; SB 296

EXECUTIVE ACTION ON SB 68

00:02:30 **Motion:** REP. WARDEN moved that SB 68 BE CONCURRED IN.

00:03:34 **Motion:** REP. LAKE moved that SB 68 BE AMENDED.
[EXHIBIT](#)(tah74a01)

Discussion:

00:03:51 Jeff Martin, Legislative Services Division

00:05:17 **Vote:** Motion carried unanimously by voice vote with REPS. CAMPBELL and GROESBECK voting by proxy.

00:05:37 **Motion:** REP. LAMBERT moved that SB 68 BE CONCURRED IN AS AMENDED.

00:06:10 **Motion:** REP. LAKE moved that SB 68 BE AMENDED.
[EXHIBIT](#)(tah74a02)

Discussion:

00:06:24 Jeff Martin, Legislative Services Division

00:07:53 REP. WISEMAN

00:08:09 CHAIRMAN WAITSCHIES

00:09:05 Dolores Cooney, Montana Department of Revenue

00:10:50 REP. RASER

00:11:00 REP. WISEMAN

00:12:40 **Vote:** Motion carried unanimously by voice vote with REPS. CAMPBELL and GROESBECK voting by proxy.

00:12:56 **Motion/Vote:** REP. LAKE moved that SB 68 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote with REPS. GROESBECK and CAMPBELL voting by proxy.

EXECUTIVE ACTION ON SB 85

00:14:12 **Motion:** REP. MCALPIN moved that SB 85 BE CONCURRED IN.

00:14:52 Motion/Vote: REP. LAKE moved that SB 85 BE
 AMENDED. Motion carried unanimously by voice vote
 with REPS. GROESBECK and CAMPBELL voting by proxy.
EXHIBIT (tah74a03)

00:15:19 Motion: REP. LAMBERT moved that SB 85 BE
 CONCURRED IN AS AMENDED.

Discussion:
 00:15:33 REP. WARDEN

00:15:53 Vote: Motion carried 11-9 by roll call vote with
 REPS. BALYEAT, HIMMELBERGER, LAKE, LAMBERT,
 PETERSON, ROSS, SALES, WAITSCHIES, and WARDEN
 voting no and REPS. CAMPBELL and GROESBECK voting
 by proxy. REP. FACEY will carry SB 85. (The
 Committee later determined REP. CAMPBELL would
 carry SB 85.)

EXECUTIVE ACTION ON SB 87

00:17:32 Motion: REP. BRANAE moved that SB 87 BE CONCURRED
 IN.

Discussion:
 00:17:39 REP. COHENOUR
 00:18:34 Jeff Martin, Legislative Services Division

00:19:20 Motion/Vote: REP. BRANAE moved that SB 87 BE
 AMENDED. Motion carried unanimously by voice vote
 with REPS. GROESBECK and CAMPBELL voting by proxy.
EXHIBIT (tah74a04)

00:19:48 Motion/Vote: REP. FACEY moved that SB 87 BE
 CONCURRED IN AS AMENDED. Motion carried
 unanimously by voice vote with REPS. GROESBECK and
 CAMPBELL voting by proxy. REP COHENOUR will carry
 SB 87.

EXECUTIVE ACTION ON SB 151

00:21:02 Motion: REP. BRANAE moved that SB 151 BE
 CONCURRED IN.

Discussion:
 00:21:11 REP. LAMBERT
 00:21:54 Jeff Martin, Legislative Services Division

00:22:56 Motion: REP. LAMBERT moved that SB 151 BE AMENDED.

[EXHIBIT](#) (tah74a05)

00:23:22 Discussion:
 00:24:16 REP. WISEMAN
 00:25:58 CHAIRMAN WAITSCHIES
 REP. WISEMAN

00:26:42 Vote: Motion carried unanimously by voice vote with REPS. CAMPBELL and GROESBECK voting by proxy.

00:27:02 Motion: REP. LAKE moved that SB 151 BE CONCURRED IN AS AMENDED.

00:27:30 Discussion:
 REP. WARDEN

00:27:36 *REP. RASER left the Committee Hearing.*

00:28:02 REP. PETERSON

00:28:18 Vote: Motion failed 2-18 by voice vote with REPS. BIXBY and MCALPIN voting aye and REPS. CAMPBELL, GROESBECK and RASER voting by proxy.

00:29:30 Motion/Vote: REP. LAMBERT moved that SB 151 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote with REPS. CAMPBELL, GROESBECK and RASER voting by proxy.

EXECUTIVE ACTION ON SB 184

00:30:05 Motion: REP. BRANAE moved that SB 184 BE CONCURRED IN.

00:30:51 Motion: REP. BRANAE moved that SB 184 BE AMENDED.
[EXHIBIT](#) (tah74a06)

00:31:05 Discussion:
 Jeff Martin, Legislative Services Division

00:32:02 Vote: Motion carried unanimously by voice vote with REPS. CAMPBELL, RASER and GROESBECK voting by proxy.

00:32:20 Motion: REP. BRANAE moved that SB 184 BE CONCURRED IN AS AMENDED.

Discussion:

00:32:57 REP. BRANAE
00:34:12 REP. LAMBERT
00:35:03 REP. LAKE
00:35:37 REP. ROSS
00:36:07 REP. BUTCHER
00:37:34 REP. GRINDE
00:38:05 REP. WARDEN
00:39:22 REP. PETERSON
00:40:52 REP. McALPIN
00:41:22 REP. WISEMAN
00:43:00 RPE. BALYEAT

00:44:06 **Vote:** Motion failed 9-11 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, MCALPIN, RASER, and WISEMAN voting aye and REPS. CAMPBELL, GROESBECK and RASER voting by proxy.

00:45:36 **Motion/Vote:** REP. FACEY moved that SB 184 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote with REPS. CAMPBELL, GROESBECK and RASER voting by proxy.

EXECUTIVE ACTION ON SB 219

00:45:51 **Motion:** REP. LAKE moved that SB 219 BE CONCURRED IN.

00:46:37 **Motion:** REP. LAKE moved that SB 219 BE ADOPTED AS AMENDED.

EXHIBIT (tah74a07)Discussion:

00:48:46 REP. LAKE
00:49:11 REP. FACEY
00:49:54 Jeff Martin, Legislative Services Division
00:50:32 REP. PETERSON
00:51:06 REP. BALYEAT
00:51:27 REP. LAKE
00:51:59 REP. PETERSON
00:52:38 REP. LAMBERT
00:52:51 REP. BALYEAT
00:52:59 REP. WISEMAN

00:53:27 REP. LAKE withdraws MOTION TO AMEND without objection.

00:53:38 REP. LAKE withdraws MOTION TO CONCUR without objection.

EXECUTIVE ACTION ON SB 222

00:54:10 Motion: REP. LAKE moved that SB 222 BE CONCURRED IN.

00:54:17 Motion/Vote: REP. MCALPIN moved that SB 222 BE AMENDED. Motion carried unanimously by voice vote with REPS. CAMPBELL, GROESBECK and RASER voting by proxy.

[EXHIBIT](#) (tah74a08)

00:55:24 Motion: REP. LAKE moved that SB 222 BE CONCURRED IN AS AMENDED.

Discussion:

0:55:38 REP. PETERSON

00:55:57 Vote: Motion carried unanimously by voice vote with REPS. CAMPBELL, GROESBECK and RASER voting by proxy. REP. JOPEK will carry SB 222.

EXECUTIVE ACTION ON SB 229

00:57:20 Motion: REP. WISEMAN moved that SB 229 BE CONCURRED IN.

Discussion:

00:57:27 REP. LAMBERT

00:57:58 REP. BALYEAT

00:58:21 REP. COHENOUR

00:59:27 REP. BUTCHER

01:00:13 REP. WISEMAN

01:02:08 REP. LAKE

01:03:31 REP. BRANAE

01:03:45 Jeff Martin, Legislative Services Division

01:04:27 CHAIRMAN WAITSCHIES

01:05:26 Vote: Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REPS. CAMPBELL, GROESBECK and RASER voting by proxy.

EXECUTIVE ACTION ON SB 261

01:06:43 Motion: REP. LAKE moved that SB 261 BE CONCURRED IN.

Discussion:

01:06:51 REP. FACEY
01:07:10 REP. LAKE
01:08:03 REP. WARDEN
01:08:22 REP. WISEMAN
01:08:46 REP. LAKE
01:09:00 REP. WISEMAN
01:10:02 REP. COHENOUR
01:10:27 REP. BUTCHER

01:10:51 *REP. HIMMELBERGER left the Committee Meeting.*

01:11:31 REP. PETERSON

01:12:04 Vote: Motion carried unanimously by voice vote with REPS. CAMPBELL, GROESBECK, HIMMELBERGER and RASER voting by proxy. REP. PETERSON will carry SB 261.

EXECUTIVE ACTION ON SB 276

01:12:41 Motion: REP. LAMBERT moved that SB 276 BE CONCURRED IN.

Discussion:

01:13:15 REP. LAMBERT

01:13:58 *REP. CAMPBELL arrives at Committee Meeting.*

01:14:04 REP. BRANAE
01:14:22 REP. PETERSON
01:14:51 REP. COHENOUR

01:15:07 Vote: Motion failed 10-10 by roll call vote with REPS. BALYEAT, BUTCHER, HIMMELBERGER, LAKE, LAMBERT, PETERSON, ROSS, SALES, WAITSCHIES, and WARDEN voting aye and REPS. GROESBECK, HIMMELBERGER and RASER voting by proxy.

01:16:09 Break

01:25:53 Resume

EXECUTIVE ACTION ON SB 292

01:26:17 **Motion:** REP. LAKE moved that SB 292 BE CONCURRED IN.

01:26:36 REP. HIMMELBERGER returned to Committee Meeting.

Discussion:

01:27:45 REP. PETERSON

01:27:59 REP. LAKE

01:28:54 Jeff Martin, Legislative Services Division

01:29:31 REP. LAMBERT

01:29:51 REP. WISEMAN

01:31:05 Jeff Martin, Legislative Services Division

01:31:36 Dolores Cooney, Montana Department of Revenue

01:31:57 REP. PETERSON

01:33:41 Dan Dodds, Office of Budget and Program Planning

01:34:39 **Vote:** Motion carried 19-1 by voice vote with REP. SALES voting no and REPS. GROESBECK and RASER voting by proxy. REP. WISEMAN will carry SB 292.

EXECUTIVE ACTION ON SB 296

01:35:58 **Motion:** REP. LAMBERT moved that SB 296 BE CONCURRED IN.

01:36:47 **Motion:** REP. LAKE moved that SB 296 BE AMENDED.
EXHIBIT(tah74a09)

Discussion:

01:37:41 REP. COHENOUR

01:39:18 REP. McALPIN

01:40:04 **Vote:** Motion carried unanimously by voice vote with REPS. GROESBECK and RASER voting by proxy.

01:40:20 **Motion:** REP. LAKE moved that SB 296 BE CONCURRED IN AS AMENDED.

Discussion:

01:40:31 REP. McALPIN

01:40:38

Vote: Motion carried 17-3 by voice vote with
REPS. BIXBY, COHENOUR, and GRINDE voting no and
REPS. RASER and GROESBECK voting by proxy. REP.
LAMBERT will carry SB 296.

ADJOURNMENT

Adjournment: 9:45 A.M.

REP. KARL WAITSCHIES, Chairman

DEBRA POLHEMUS, Secretary

KW/dp

Additional Exhibits:

EXHIBIT ([tah74aad0.PDF](#))